

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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EDWARD GARCIA,

Plaintiff,

v.

UNION CITY POLICE DEPT., et al.,

Defendants.

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Civil No. 09-1292 (WJM)

**MEMORANDUM OPINION**

IT APPEARING THAT:

1. Plaintiff, a prisoner confined at Hudson County Jail, submitted to the Clerk for filing a pro se Complaint with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. In the Complaint, plaintiff asserts violation of his constitutional rights by the Union County Police Department and several officers. Plaintiff complains that he was arrested without probable cause, harassed and maliciously prosecuted by Union County officials.

3. The Prison Litigation Reform Act of 1995 ("PLRA"), enacted on April 26, 1996, prohibits a prisoner from bringing a civil action in forma pauperis pursuant to 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

4. While incarcerated, Plaintiff has had at least three prior civil actions dismissed by this Court on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted. See Garcia v. Macias, Docket No. 08-1648 (WJM) sl. opinion, p. 23 (D.N.J.

May 14, 2008); Garcia v. Aviles, Docket No. 08-1855 (JLL) sl. opinion, p. 23 (D.N.J. May 2, 2008); Garcia v. City of N. Bergen Twp., Docket No. 08-1990 (DMC) order (D.N.J. May 15, 2008).

5. The facts asserted in the instant Complaint do not show that Plaintiff is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g); Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir. 2001).

6. Based on the foregoing, this Court will deny Plaintiff's application to proceed in forma pauperis and administratively terminate this matter, without prejudice to Plaintiff's filing the Complaint as a paid complaint within 30 days of the date of the Order accompanying this Memorandum Opinion.

s/William J. Martini

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**WILLIAM J. MARTINI, U.S.D.J.**

Dated: 4/1/09